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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,697	10/03/2003	Benjamin J. Canaday	AE136/2002	9959

7590 04/14/2004

David W. Carrithers
CARRITHERS LAW OFFICE
One Paragon Centre
6060 Dutchman's Lane, Suite 140
Louisville, KY 40205

EXAMINER

SEMUNEGUS, LULIT

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,697	Applicant(s) CANADAY, BENJAMIN J.	
	Examiner Lulit Semunegus	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hepp (5,048,211).

In regards to claims 1, 9-10 and 14-17, Hepp teaches a gun safety device for preventing unauthorized or accidental use of the same comprising: a solid body of material sized to fit into the cartridge chamber (col. 2, lines 46-69) of a selected gun (12), said solid body having an outwardly directed flange (34) at one end thereof for engaging an end wall surrounding entry into said cartridge chamber and a threaded bore extending inwardly a selected distance from and end of said body opposite said one end (fig. 2-3), means on said body that projects outwardly which can be an o-ring (34) therefrom frictionally to engage a wall of said cartridge chamber surrounding said solid body (fig. 1); a muzzle plug (44) insertable into an open outer end of the barrel of the gun, said muzzle plug having an outwardly directed flange (48) at one end thereof that engagable with an outer end said gun barrel; and an elongate rod (20) threaded along at least a portion at one end thereof for threading into said threaded bore in said solid body and means connecting the opposite end of said rod to said muzzle plug (fig. 1).

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In regards to claims 2 and 7, Hepp teaches the muzzle plug (44) has an outer end face at said one end thereof and including a first recess in said end face (figures).

In regards to claims 3-6 and 8, Hepp teaches a second pin or key (56) receiving recess (54) located in said first recess, which is longitudinal axis of the plug (fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepp (5,224,753) in view of Wolford (5,315,778). Hepp teaches all the limitations of claims 11, 12 and 13 except the projecting means are pins spaced apart from one another around the periphery of the solid body or the annular groove extending about the periphery of the body and wherein the o-ring fits into the groove. Wolford teaches an annular groove (18) extending about the periphery of the cartridge body (11) and wherein an o-ring (19) fits into the said solid body (fig. 1). At the time of the invention, it would have been obvious to one ordinarily skilled in the art to have the o-ring being the projecting means to permit recycling of the projecting means by only replacing the worn o-rings where using pins spaced apart or o-ring is a matter of design choice since applicant has not disclosed that using a pins spaced apart or a o-ring fitted into a groove solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with both inventions.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bielman (4,224,753) teaches a gun safety device for preventing unauthorized or accidental use of the same comprising: a solid body of material sized to fit into the cartridge chamber (18) of a selected gun (10), said solid body having an outwardly directed flange at one end thereof for engaging an end wall surrounding entry into said cartridge chamber and a threaded bore extending inwardly a selected distance from an end of said body opposite said one end (fig. 2), means on said body that projects outwardly therefrom frictionally to engage a wall of said cartridge chamber surrounding said solid body (22); a muzzle plug (56) insertable into an open outer end of the barrel of the gun, said muzzle plug having an outwardly directed flange at one end thereof that engagable with an outer end said gun barrel; and an elongate rod (48) threaded along at least a portion at one end thereof for threading into said threaded bore in said solid body and means connecting the opposite end of said rod to said muzzle plug (fig. 1).

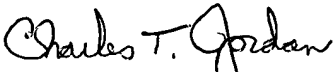
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 5, 2004


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lulit Semunegus
Examiner
Art Unit 3641